2:Evans-Pritchard E-5 (1936) 1949
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parts owned by its branches are fairly distinct. Intermarriage is the main cause of intersettlement and marriage within this clan is not permitted.

There are a number of stranger lineages in Karacuonyo (Wagwe, Kamwala, Kakmuno, Jokadeio, etc.) but they are small lineages and so much intermarried with the dominant KaRacuonyo clan that they have no territorial and political distinctness. Some attention must now be given to the status of stranger lineages to the dominant lineage within a tribe.

We have noted that in Karacuonyo there are few stranger lineages and that they are weak ones. By far the greater majority of the tribe are members of the dominant clan. Other tribal territories display greater clan admixture and the presence of powerful stranger lineages whose numerical importance is reflected in the tribal myths. A European may not quickly become aware of these stranger elements unless land disputes force his attention to them, for the dominant clan is generally identified linguistically with the tribe. JoAlego means both the tribesman of Alego tribal territory and the patrilineal descendants of Alego and KaRacuonyo means both the tribesmen of Karacuonyo tribal territory and the patrilineal descendants of Racuonyo. Therefore if a man of the JoMur stranger lineage in Alego were asked outside Alego to what people he belongs he would reply that he belonged to the Alego folk, but if he were asked within the tribal territory he would say that he was a JoMur, for the JoMur are a distinct agnatic group living in their own portion of country within Alego.

Now, from the point of view of the dominant clan in a tribal area the members of this clan alone are the *jopiny* or *jogweng*, the people of the land and the owners of it, and the rest are *jodak*, the separated people, the strangers: though if they lived among them a long time they speak of them as *jobedo*, for *jodak* is a harsh word.

These stranger lineages are grafted into the lineage structure of the dominant clan so that through recognition of female links the whole tribe may be regarded as a system of cognatic lineages. Luo speak of the affiliated lineages as *kaorce*, lineages of in-laws, or as *kaner*, lineages of maternal uncles, since it is from them that they take their wives and the mothers of their children. As the affiliated lineages have taken wives from the dominant clan they also come into the category of *okewa*, sister's son, to its members. In this way every lineage in a tribe, whether of the dominant clan or of stranger stock, has a structural position in the system of lineages of which a tribe is composed and of which the lineages of the dominant clan are the framework.

The lineages of the clan which owns the tribal territory and those affiliated to it seem in the past to have been on a general social equality and to have acted corporately in matters of common tribal interest, particularly in war against other tribes. They were differentiated only in matters of ritual, marriage regulations, and, as explained earlier, in settlement of homicide. In recent years, however, acute differences have arisen about land in those parts of the country where the density of population is greatest, especially in the most northern tribes of Central

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613
614 Kavirondo, between the different lineages, sometimes betwen a lineage of the dominant clan and sometimes between two stranger lineages.

In the past there seems to have been no serious difficulty about land; 613 there was plenty of it and more could be acquired by war and migration. 614 People were glad, I was told, to welcome strangers who added to the fighting strength of their community and who provided them with wives 609 for their sons. The strangers settled as *orce*, in-laws, and become maternal 578 uncles and sisters' sons. Personal relations between the members of the lineage of the dominant clan and the strangers who settled among them and intermarried with them were all of a kinship order. But these relationships of a kinship kind are structural points at which affiliated lineages are grafted on to the tree of descent of the dominant clan. Personal relations give place to structural relations. People do not readily quarrel with their own parents-in-law or maternal uncles or sisters' sons about land, but when the pressure of population becomes acute they may dispute with those who count as lineage in-laws, lineage maternal uncles, or lineage sisters' sons, that is to say when the relationship has become a structural one and ceased to be one of an intimate kinship kind, for intermarriage and thereby the formation of new kinship links between a lineage and another living on its land must for reasons of exogamy become less and less. There is a bit difference between a member of the JoSeje lineage of Alego and a man of a stranger lineage whom he calls sister's son in a personal sense and a man whom he calls sister's son in a structural sense.

[178] Hence we find to-day in the overcrowed tribal areas considerable inter-lineage enmity about land. If it is not a new feature of Luo life it has certainly been accentuated by European rule and restrictions. Tribal cohesion has suffered from peace and land hunger has increased disharmony.

The *jopiny* claim the land in virtue of their ownership of the tribal 613 territory and point to their *gundini*, their ancient homestead sites, which 614 are remembered for many generations, and to the graves of their ances- 578 tors in the disputed area. But stranger lineages which have grown nu- 423 merous and powerful may also claim to be *jopiny* in the same area in that they have resided there for many generations and also can point there to their ancestral homestead sites and the graves of their forebears. Sometimes a second stranger lineage have grown strong at the expense of a first and pushed them off their lands, so that three lineages can lay claim to the district. Problems of this kind were arousing much feeling in Alego during my visit, for there land is becoming scarce. They may be further complicated by the fact that the present dominant clan has in the past ousted a clan once dominant in the territory and who also have in the land their homestead sites and graves, for it is held by all Luo that title deeds to lands are ancient homestead sites and ancestral graves and that a man has a right to ask for land to cultivate in the district where his ancestors lived and are buried. This does not mean that a man can come back from the tribal area in which his family have lived for several generations to that in which his earlier forebears lived and claim the land

789 elders gathered to offer sacrifice and supplicate the local spirit,
782 together with the clan spirits, in times of great drought, but this is
776 entirely different from the rain-making cult. Even in this instance, it is doubtful whether the ceremony has not been influenced in large measure by the neighbouring Bantu peoples. The particular guardian spirit of this hill, is reputed to be a fabulously big snake, so enormous as to be able to encircle the hill with its body. Away from the Lake shore, which suffers most from uncertain rainfall, the Luo account very easily for the fact that they have no rain-makers. They simply say that they never have lack of rain, so why should they have rain-makers.

791 But though they have no rain-makers, they have a term for rain-maker, whom they call "Jajimb koth." When they need a rain-maker they employ either a Bantu from the Basiekwe clan of the Banyole, or one from Mudhiero, Yiro in Marama. And, of course, it is not alone for agriculture that rain is needed. The fishing in the rivers suffers greatly when the rivers run low, and fishermen not infrequently call in the aid of the rain-maker. On the lower reaches [782] of the Nzoia River, there existed a custom now happily extinct, according to which human sacrifice was made to the spirit of the river. The unfortunate person to be sacrificed was a girl, generally a young one and ill-favoured, who was bound, and some accounts say stunned, before being cast into the river. Rain-makers still flourish, though shorn of much of their influence and tribute. Only a few years ago I was in Uyoma during a time of rain shortage. I happened to be collecting genealogies, and was visiting the old men for this purpose. The conversation turned on the lack of rain, and I asked had they sent for the rain-maker. I really did not expect that they would have done so, and was somewhat surprised to find that they had sent their offerings to one of the Bantu of the Basiekwe clan. It seemed a pity that they should waste their substance on what could do them no earthly good, so I spent some time trying to convince them that the ● [609] rain-maker had no power to bring rain. They listened very politely, but at the end of it were " of the same opinion still." I left them gently poking fun at them for being so credulous. I was about a mile or less from my camp, and during my walk home, suddenly, from nowhere, clouds rushed up, a violent rain storm pelted down and I got thoroughly drenched. I would have given a good deal to have been able to listen to the comments of those who had heard so politely my well-meant arguments. Incidents somewhat like this are, no doubt, responsible for the deep seated faith in the rain-makers' powers. It did not convince me.

241 The preparation of the soil for the seed was, and is, performed
791 without any ceremony of invocation preceding it, except when the land had been taken in conquest from enemies. In the latter case the

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der the head of manslaughter should be punished at all. They feel that a person who makes the mistake of killing in anger is or has been or will eventually be punished by the ancestors, God, the elements, by illness, bad luck, misfortune, or the like, in the inevitable nature of things.

It is believed that cold-blooded, premeditated murder brings *chira* to the group and is therefore punished by the tribe or by the segment affected. The group or the individual who took what they regarded as this calculated risk was eventually banished from the tribe or if large and strong enough to dominate the political unit to which the deceased belonged could force his supporters, usually his segment of the clan, to break away and leave the area. Luo kinship describes all members of the clan in the same genealogical generation as brothers; fratricide, therefore, has a very wide range.

Luo clans occupy and are identified with a geographical area. The clan and the area it occupies are usually called after the eponym of the tribe. Those living within a clan or tribal area who are not members of the clan or tribe are regarded as squatters (*jodak*) with limited rights. They may be unrelated squatters, but most often are found to be affines of legitimate clan members. Murder committed by such persons invokes immediate counteraction on the part of those who belong to the land by virtue of descent, *jogweng*. Cattle could be taken by force, the culprit banished or killed, and/or a woman from that group married by a member of the dead man's minimal lineage, his *jokakwaro*, to raise seed unto the dead man's name. This woman would be regarded as the wife of the dead man, her children would placate his ghost as father (*wuoro*), the physical father would merely serve as genitor.

One major clan, *Kakia*, of a powerful tribe, the Seme of Central Nyanza, descended from a woman of this type—but then not exactly of this type: what happened was as follows. A *jadak*, living in the clan area of Seme, killed the son of an important elder of the tribe. He fled to his own tribal land to

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avoid the immediate consequences and as a result war broke out between the people of Seme and the people of his tribe, Ugenya. After many years of intermittent and bitter warfare the elders of both tribes met to settle the dispute. Their solution was as follows: because the elder who lost his son did not have an unmarried son to take a woman of the killer's clan, and because the killer's minimal lineage did not have a suitable daughter to give in marriage, it was decided that the killer should marry the daughter of the deceased's father, and through her raise seed to the dead man. The killer, contrary to custom but as part of the settlement, was forced to live at the home of his bride and was subsequently adopted into the clan of the deceased. It is interesting, however, that the eponym of the clan which today traces descent from this couple is the bride, Kia, and not the killer or the deceased. It is, to my knowledge, the only clan in Luo which has a woman as an eponym, but then she was apparently regarded as a male by her contemporaries.

This background was given to provide the reader with some idea of the Joluo attitude to homicide. Deeply ingrained is the notion that life goes on after death on earth—that ancestors in the spirit world are able to influence the lives, conduct, fortunes, for good or evil, of their descendants. Ghosts are more likely to be benevolent if they can count numerous descendants on earth and extremely malevolent if life on earth was cut short by violence or unnatural death by war, accident, or suicide. The ghosts of the latter are believed to be more difficult to deal with than those of ordinary spirits of old men or women. The more descendants a ghost has, the higher its status in the afterworld, and therefore the greater its pleasure and benevolence.

The Joluo had developed several devices to deal with cases of homicide. A wife could be married in the name of a murdered youth to raise seed to his name, to placate his spirit and to continue his line for posterity. A young adolescent woman who died was deflowered by a stranger (*jokawiny*)

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because a ghost of a virgin who has reached puberty was regarded as extremely dangerous. The defloration, still practiced in parts of Luo today, was regarded as satisfying her natural desire to bear children.

The spirits of warriors killed in battle were placated by the tribe as a whole in ceremonial and ritual held at the borders of the tribal land (*thim*) by *poro bilo* and *tero buru*, where sacrifices were made and the tribal ancestors placated to welcome the ghost of the hero. The affair became a tribal responsibility, whereas normally death is regarded as a responsibility of the family or minor lineage segment.

A person who found the body of a man or of a woman would commence wailing as a closely related mourner. If the body turned out to be that of a person among whose clan the finder could marry, then a wife or husband was found for the finder in the belief that the spirit of the deceased planned and directed the discovery of the body to the end that the group of the finder should be united in marriage with that of the deceased.

Witches, if caught in the act of "running about at night," were killed instantly and with equanimity. The body of a person killed as a witch was mutilated by driving a stake into the rectum after which the body would be thrown into its village. An old custom still associated with this is the insistence of the relatives of a woman who died suddenly, or inexplicably, to examine her body for signs of having been a witch. Female witches are believed to be trained by their husbands to run at night with them and, because they are weaker, are frequently caught and killed. Bride-wealth may not be reclaimed or, if not finally paid, must be completed by her husband if a woman is killed under these circumstances.

Accidental deaths are regarded as having been inspired by the ancestors, and therefore require placation of the spirit of the ancestor divined as having been responsible. Deaths from sickness are believed to come from many causes, the chief of